

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

STEPHEN McCOLLUM, STEPHANIE §  
KINGREY, and SANDRA McCOLLUM, §  
individually and as heirs at law to the Estate of §  
LARRY GENE McCOLLUM, §  
PLAINTIFFS §

V.

BRAD LIVINGSTON, JEFF PRINGLE, §  
RICHARD CLARK, KAREN TATE, §  
SANDREA SANDERS, ROBERT EASON, the §  
UNIVERSITY OF TEXAS MEDICAL §  
BRANCH and the TEXAS DEPARTMENT OF §  
CRIMINAL JUSTICE. §  
DEFENDANTS §

CIVIL ACTION NO.  
3:12-cv-02037

**PLAINTIFFS' RESPONSE TO DEFENDANT UNIVERSITY OF TEXAS MEDICAL  
BRANCH'S MOTION TO DISMISS UNDER RULE 12(c)**

Plaintiffs respectfully ask the Court to deny Defendant UTMB's Motion to Dismiss Under Rule 12(c), and argues:

The Court should deny UTMB's Motion to Dismiss for three reasons: 1) the Amended Complaint alleges the elements of the claim with ample factual support; 2) sole proximate cause is not required for Plaintiffs' Americans with Disability Act claims; and, 3) Plaintiffs have adequately plead sole causation for their Rehabilitation Act claims because UTMB's failure to provide reasonable accommodations for the deceased's disabilities is the required act of discrimination, regardless of whether that discrimination was the sole cause of his death.

For these reasons, and those more fully developed in the attached Brief in Support, Plaintiffs request UTMB's motion be denied.

DATED: June 28, 2013.

Respectfully submitted,

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By /s/ Jeff Edwards

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ATTORNEYS FOR PLAINTIFFS

**CERTIFICATE OF SERVICE**

By my signature above, I certify that a true and correct copy of the foregoing has been served on all counsel of record through the Electronic Case Files System of the Northern District of Texas.

By /s/ Jeff Edwards  
JEFF EDWARDS